

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicant also acknowledges with appreciation the indication that claims 21 and 22 contain allowable subject matter on Page 13 of the Official Action.

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter nor are any new issues raised in entering the instant amendment of the claims and that no new search would be required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 1 and 13 will have been amended, and claims 21 and 22 will have been canceled. Claims 1, 3, 5, 7-11, 13, 15-20 and 23-25 are currently pending. Applicant respectfully requests reconsideration of the outstanding objection and rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1, 3, 5, 7-11, 13, 15-20 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over MORONAGA et al. (U.S. Patent No. 5,956,084) in view of NIWA (U.S. Patent No. 6,538,692).

Applicant respectfully traverses the above-noted rejection under 35 U.S.C. § 103(a). Although Applicant does not necessarily agree with the Examiner's rejection of the claims on these grounds, Applicant has nevertheless amended independent claims 1 and 13 to more clearly obviate the above-noted grounds of rejection solely in order to expedite prosecution of the present application.

In this regard, Applicant notes that the subject matter of claim 21 (which the Examiner has indicated as being allowable) has been added to independent claim 1, and the subject matter of claim 22 (which the Examiner has also indicated as being allowable) has been added to independent claim 13, which should not be taken as an acquiescence by the Applicant as to the propriety of the rejection. Further, Applicant expressly reserves the right to submit claims of related scope in another application. Thus, the cancellation of the claims is without prejudice. Accordingly, Applicant respectfully requests an early indication of the allowance of claims 1 and 13 (as well as claims 3, 5, 7-11, 15-20 and 23-25, dependent therefrom).

In regard to the objection to claims 21 and 22 for being dependent upon a rejected base claim, Applicant notes that the recitations of claims 21 and 22, have been added to claims 1 and 13, respectively; and claims 21 and 22 have been canceled. Accordingly, the objection to claims 21 and 22 are believed to be moot.

In view of the remarks herein-contained, Applicant submits that independent claims 1 and 13 are in condition for allowance. With regard to dependent claims 3, 5, 7-11, 15-20 and 23-25, Applicant asserts that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 13,

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which have been amended to include the recitation of dependent claims 21 and 22 (which the Examiner has indicated as being allowable), respectively.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY


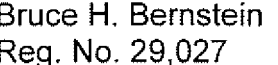
Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes that this amendment is being made solely to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claim prior to the present amendment and the amended claim. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (e.g., for easier reading), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

November 6, 2006  
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